IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	CASE NO. 8:15CR220
Plaintiff,)	
vs.)	TENTATIVE FINDINGS
MATTHEW HAYNIE,)))	
	,	

Defendant.

The Court has received the Revised Presentence Investigation Report and Addendum ("PSR"). The government has not objected to the PSR and the Defendant has not filed formal objections to the PSR. The Defendant has filed a Motion for Variance from the Sentencing Guidelines and a brief in support of the motion (Filing Nos. 24 and 25). See Amended Order on Sentencing Schedule, ¶ 6. (The Court takes note that in the Addendum to the PSR, the Defendant objected to Paragraph #25, but did not pursue that objection.) The Court advises the parties that these Tentative Findings are issued with the understanding that, pursuant to *United States v. Booker*, 543 U.S. 220 (2005), the sentencing guidelines are advisory.

Accordingly,

IT IS ORDERED:

- 1. The Court intends to adopt the PSR at the time of sentencing;
- 2. If **any** party wishes to challenge these tentative findings, the party shall immediately file in the court file and serve upon opposing counsel and the Court a motion challenging these tentative findings, supported by (a) such evidentiary materials as are required (giving due regard to the requirements of the local rules of practice respecting the

submission of evidentiary materials), (b) a brief as to the law, and (c) if an evidentiary hearing is requested, a statement describing why an evidentiary hearing is necessary and an estimated length of time for the hearing;

- 3. Absent submission of the information required by paragraph 2 of this Order, these tentative findings are final;
- 4. The Defendant's Motion for Variance from the Sentencing Guidelines (Filing No. 24) will be heard at sentencing; and
- 5. Unless otherwise ordered, any motion challenging these tentative findings shall be resolved at sentencing.

DATED this 2nd day of March, 2016.

BY THE COURT:

s/Laurie Smith Camp Chief United States District Judge